HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. No. 3490 of 2006

PETITIONER
NON-APPLICANT NO.1

Smt. Veena Vastrakar, wife of Sukhdev Vastrakar, resident of Village Vidhyasar (Binjhasar), Tahsil Takhatpur, District Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS
DEFENDANTS

1. Smt. Vimlesh Banjare, wife of Dilip Banjare, resident of village Vidhyasar (Binjhasar), Tahsil Takhatpur, District Bilaspur (Chhattisgarh)

PETITIONER

2. Nonibai Vastrakar, wife of Krishna Vastrakar, resident of village Vidhyasar (Binjhasar), Tahsil Takhatpur, District Bilaspur (Chhattisgarh)
3. Smt. Bisnabai Banjare, wife of Tiharu, resident of village Vidhyasar (Binjhasar), Tahsil Takhatpur, District Bilaspur (Chhattisgarh)
4. Smt. Rupkunwar Banjare, widow of Shivratan Banjare, resident of village Vidhyasar (Binjhasar), Tahsil Takhatpur, District Bilaspur (Chhattisgarh)
5. Returning Officer, Gram Panchayat Nirvachan Kshetra, Vidhyasar (Binjhasar / Tahsildr Takhatpur), District Bilaspur (Chhattisgarh)

NON-APPLICANTS NO. 2 TO 5

6. Sub-Divisional Officer (Rev.), Kota, District Bilaspur (Chhattisgarh)

Writ Petition under Article 227 of the Constitution of India.

Present: Shri Pankaj Agrawal, counsel for the petitioner.
Shri Malay Kumar Bhaduri, counsel for the respondent No.1.

ORAL ORDER
(Passed on 08th August, 2007)

This writ petition is directed against the order passed by the Election Tribunal allowing the Election Petition only on the ground that the petitioner does not belong to Schedule Caste. It has been further held by the Election Tribunal that the petitioner who is 'Mahar' belongs to OBC.

Learned counsel for the petitioner placed before me the M.P. Re-organization Act, 2000 wherein 3rd Schedule at serial no. 33 caste of

'Mahar' has been indicated to be a Schedule Caste. Accordingly, the learned Tribunal has committed manifest error of law by allowing the petition holding the petitioner to be member of OBC, whereas on the perusal of the M.P. Re-organization Act, 2000 in 3rd schedule at serial no. 33, it is crystal clear that 'Mahar' is Schedule Caste as shown by the petitioner. In the light of above, the writ petition is allowed and the order passed by the Tribunal is set-aside.

Sd/-
Jagdish Bhalla
Ag. Chief Justice

Kamde